In the High Court of Punjab and Haryana at Chandigarh.

CR No.5383 of 2007
Date of decision: 18.10.2007

Tejram and others .... Petitioners

Versus

Sukhi Ram .... Respondent

Present: Mr.Ashok Kaushik, Advocate, for the petitioners.

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PERMOD KOHLI, J. (Oral):

This revision is directed against the order dated 30.08.2007 passed by the learned Civil Judge (Junior Division), Palwal, allowing the application of the plaintiff-respondent under Order 6 Rule 17 of the Code of Civil Procedure, for amendment of the plaint.

The respondent-plaintiff filed a suit for permanent injunction seeking a restraint order against the present petitioner regarding the alienation of the land on the ground that the defendants entered into an agreement to sell dated 06.01.2006 and during the subsistence of the agreement, they have threatened to sell the land. During the pendency of the suit, period for specific performance expired. The plaintiff, accordingly, filed an application seeking amendment of the plaint so as to incorporate

the relief with regard to the specific performance alleging therein that he is ready and willing to perform his part of the contract. He even approached the Sub Registrar concerned for payment of the balance sale consideration but the defendants failed to appear.

The learned trial Court after hearing the learned counsel for the parties allowed the application.

It is not in dispute that the suit for injunction was only to prevent alienation of the property. The application of the plaintiff is based upon the agreement to sell, which is the subject matter of the suit. He is only seeking a plea with regard to specific performance on the basis of the agreement to sell. The suit is at the initial stage and no prejudice can be said to have been caused to the petitioner by allowing the proposed amendment. There is no legal or factual infirmity in the impugned order. I find no merit in the present revision petition and the same is hereby dismissed in limine with no order as to costs.

18.10.2007 (PERMOD KOHLI)
BLS JUDGE